

San Luis Obispo County
Department of Public Works

County Service Area 7 Wastewater Treatment System

Ordinance No. 3094

Imposing a Moratorium On the Issuance of Will Serve Letters For Sewer Service in Portions of County Service Area 7 Outside of County Service Area 7A (Oak Shores Development)

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: FINDINGS. The Board of Supervisors of the County of San Luis Obispo does hereby find, determine and declare as follows:

- A. The County currently holds a Waste Discharge Order ("WDO") from the California Regional Water Quality Control Board ("RWQCB") issued December 7, 2001, for County Service Area 7 ("CSA 7") to discharge domestic sanitary wastewater up to a maximum average daily flow to 100,000 gallons per day, averaged over each month;
- B. CSA 7A constitutes a zone of benefit within CSA 7 which includes Tracts 378-381, and Phase 1 of Tract 2162;
- C. CSA 7A currently has approximately 580 existing homes and at build out 913 homes;
- D. The CSA 7A average daily flow for peak month has reached as high as 93,255 gallons per day in May 2005;
- E. An amended WDO has been needed to provide sewer service to any properties of CSA 7 outside the current boundary of CSA 7A since the at least August 5, 2003;
- F. As used herein, the term "will-serve letter" refers to any written representation, statement, or agreement that sewer service will be provided to any particular property or development;
- G. Issuance of sanitary sewer "will-serve letters" to portions of CSA 7 outside of CSA 7A under the current WDO is not consistent with the intent of the WDO, could result in increased wastewater discharges in excess of the WDO, and may result in a threat to the public health and safety of the people within CSA 7.

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H. It is in the best interest of the public health, safety and welfare that no additional will serve letters be issued to any property within CSA 7 outside the current boundary of CSA 7 A until the following conditions are satisfied:

- a. The property owners seeking a "will-serve letter" provide preliminary engineering and financial reports, and environmental documents satisfactory to the Director of Public Works describing the required sanitary sewer treatment and disposal facilities required to serve such property; and
 - b. Such properties have been included in a zone of benefit of CSA 7 that provides wastewater service; and
 - c. The County has applied to the RWQCB for an amendment to the December 7, 2001 WDO which would provide for the inclusion of the increased treatment and disposal capacity to service such property; and
 - d. The property owner fully bonds for the cost of construction of such facilities. The license and rating of the bonding company and the bond shall be at a level approved by the Director of Public Works; and
 - e. The County Board of Supervisors approves the terms and conditions under which sanitary sewer service will be made available to said property.
- I. The issuance of any further "will-serve letters" to any areas within CSA 7 outside the scope of CSA 7A would be contrary to the best interests of the public's health, safety and welfare unless the conditions of this Ordinance are satisfied;

SECTION 2: MORATORIUM ON SEWER SERVICE WILL SERVE LETTERS: The County shall not issue sewer service will serve letters to any properties within CSA 7 outside the boundary of CSA 7A until the following conditions are satisfied:

- A. The property owners seeking a "will-serve letter" provide preliminary engineering, financial reports, and environmental documents satisfactory to the Director of Public Works describing the required sanitary sewer treatment and disposal facilities required to serve such property; and
- B. Such properties have been included in a zone of benefit of CSA 7 that provides wastewater service; and

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- C. The County has applied to the RWQCB for an amendment to the December 7, 2001 WDO which would provide for the inclusion of the increased treatment and disposal capacity to service such property; and
- D. The property owner fully bonds for the cost of construction of such facilities. The license and rating of the bonding company and the bond shall be at a level approved by the Director of Public Works; and
- E. The County Board of Supervisors approves the terms and conditions under which sanitary sewer service will be made available to said property.

SECTION 3: DISCRETION TO NOT ISSUE WILL SERVE LETTERS: Nothing in this Ordinance limits the discretion of the County Board of Supervisors or the Director Public Works to not issue a will serve letter or provide sanitary sewer service to any property when such issuance or provision would be contrary to the public health, safety and/or welfare.

SECTION 4: DURATION OF ORDINANCE: The provisions of this ordinance shall remain in effect until the sooner of either of the following: 1) five years from the effective date of this ordinance; or 2) such date as this ordinance is repealed.

SECTION 5 SEVEREABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed the Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

EFFECTIVE DATE: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this Ordinance, a display advertisement describing this Ordinance shall be published once in the Telegram Tribune, a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the Ordinance.

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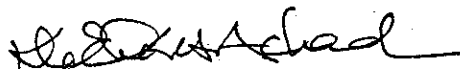
INTRODUCED: at a regular meeting of the Board of Supervisors held on the 25th day of July, 2006, and PASSED AND ADOPTED BY THE Board of Supervisors of the County of San Luis Obispo, State of California, on the 1st day of August, 2006, by the following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, Shirley Bianchi, Jerry Lenthall,
James R. Patterson and Chairperson K.H. 'Katcho' Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

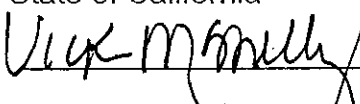


Chairperson of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors, County of
San Luis Obispo, State of California

[SEAL] By:  Deputy Clerk

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel
County of San Luis Obispo

By: 
Deputy County Counsel

Date: 7/14/06

